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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN L. BENNETT,

Petitioner,

v.

WARDEN WENGLER,

Respondent.

Case No. C09-5027BHS/JKA

ORDER DIRECTING
SERVICE AND RETURN,
§ 2254 PETITION

The petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. He is challenging a Washington State conviction, but he is currently housed outside of Washington State at a contract facility. This case has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrate Judges' Rules MJR 3 and MJR 4.

(1). The clerk shall arrange for service by certified mail upon respondent, a copy of the petition, of all documents in support thereof, and of this Order. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service. The Clerk shall send petitioner a copy of this Order, the General Order. The clerk will also send a courtesy copy of the petition to the Washington State Attorney General's Office Corrections

1 Division.

2 (2) Within forty-five (45) days after such service, respondent shall file and serve an
3 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
4 Courts. As part of such answer, respondents should state whether petitioner has exhausted available
5 state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse
6 of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without
7 first showing cause as to why an answer is inadequate. Respondent shall file the answer with the
8 Clerk of Court and serve a copy of the answer upon petitioner.

9 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
10 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the
11 answer is filed, petitioner, through counsel, may file and serve a response not later than on the
12 Monday immediately preceding the Friday appointed for consideration of the matter, and
13 respondent may file and serve a reply brief not later than on the Thursday immediately preceding
14 the Friday designated for consideration of the matter.

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17 DATED this 16 day of March, 2009.

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19 /s/ J. Kelley Arnold
20 J. Kelley Arnold
21 United States Magistrate Judge
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